



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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March 10, 2004

TO: Washington State Board of Health Members

FROM: Tom Locke, WSBOH Member
Carl Osaki, WSBOH Member

RE: **CRUISE SHIP WASTEWATER MANAGEMENT PRACTICES**
—STATE AND FEDERAL ROLES

Summary

In summer 2003, Carl Osaki attended a Jefferson County Board of Health meeting as part of this Board's effort to learn more about local boards' concerns. One of the Jefferson County Board of Health's (JCBOH) concerns regarded the disposal of graywater and blackwater into its county's waters by cruise ships (please see attached SBOH letter to JCBOH). In May 2003 a Norwegian Sun cruise ship captain reported to Department of Ecology his ship had discharged 40 to 50 tons of graywater and blackwater into the Strait of Juan de Fuca (see <http://www.eho.wa.gov/searchdocuments/2003%20archive/pchb%2003-088%20intervention.htm>). The State Board also received a letter from Jefferson and Clallam County Boards of Health (CCBOH) in fall 2003 expressing concerns and raising questions about this issue (see attached letter from JCBOH and CCBOH).

We have assembled today's panel to respond to these local concerns, and to provide a public forum for understanding the relevant state and federal agencies roles in improving cruise ship wastewater management practices. The panel comprises:

- Larry Fay, Environmental Health Director, Jefferson County Public Health and Human Services, who will describe concerns regarding cruise ships vessels' disposal of gray and black water into Jefferson County waters.
- John E. Veentjer, Chief, Prevention Department, US Coast Guard Marine Safety Office Puget Sound who will describe the US Coast Guard's role in cruise ship wastewater management practices (please see attached US Coast Guard *Navigation and Vessel Inspection Circular No. 04-04*)
- Ann Kenny, Senior Regional Planner, Washington Department of Ecology who will describe Ecology's role in cruise ship wastewater management practices (please see draft Memorandum of Understanding and MOU Summary.)

Recommended Board Action

No action recommended.

Background

The Department of Ecology has jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington (RCW 90.48.030). It also has rule making and enforcement authority (RCW 90.48.035 and 90.48.037) “as may be necessary to carry out the provisions of chapter 90.48 RCW.”

Norwegian Cruise Lines recently challenged Ecology’s enforcement authority on three grounds:

- The event occurred beyond the state’s borders
- Federal law preempts state efforts to regulate operation of marine sanitation devices aboard vessels
- Ecology’s decision to issue an immediate action order was arbitrary and capricious.

Department of Ecology is the lead state agency developing a Memorandum of Understanding (MOU) between the State of Washington, the Puget Sound Clean Air Agency, the Port of Seattle, and the North West CruiseShip Association (NWCA). The MOU is based on the International Council of Cruise Lines’ *Cruise Industry Waste Management Practices and Procedures*, adopted by the NWCA, and in recognition of Washington’s sensitive marine environment includes additional practices:

- Discharge of untreated blackwater and untreated graywater in Washington waters within 3 miles of land is prohibited
- Discharge of treated blackwater and graywater in Washington waters within 3 miles of land is prohibited, except when blackwater and graywater treated by advanced wastewater treatment systems that meet the standards and testing regime in federal law, Title XIV, and with written permission from Ecology and specified conditions.
- Discharge of residual solids from a Type 2 Marine Sanitation Device or an advanced wastewater treatment system is prohibited within 12 nautical miles from shore or sensitive area (sanctuaries, etc.)

Blackwater is waste from toilets, medical sinks and other similar facilities. Graywater includes drainage from dishwasher, shower, laundry, galley and washbasin drains.

The US Coast Guard is the main federal agency involved in preventing, detecting, and investigating cruise ship discharges. They have jurisdiction over environmental matters in US navigable waterways and conducts passenger vessel inspections that include review of marine sanitation devices. The Clean Water Act gives the secretary of the department in which the Coast Guard is operating authority to promulgate, revise, and enforce Federal performance standards for marine sanitation devices to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels. It may also assess penalties for lack of compliance with these standards, and provisions may be carried out by state and other federal agencies. (33 United States Code 1322)

In response to a February 2000 General Accounting Office report on marine pollution (<http://www.gao.gov/docdb/lite/summary.php?recflag=&accno=163327&rptno=RCED-00-48>), and a petition by Bluewater Network, an environmental organization, the US Coast Guard has

developed new guidelines for their inspection of cruise ship waste management practices and procedures, *Navigation and Vessel Inspection Circular No. 04-04* (attached).

Florida and Hawaii have MOUs with the cruise ship lines in their states, which Bluewater Network has criticized as ineffective (its October 2003 report on MOUs versus legislation is available at http://bluewaternet.org/reports/rep_ss_kleinrep.pdf).

In 1999 the Alaska Department of Environmental Conservation (ADEC) responded to public concern over cruise ship discharges and convened a forum to review and discuss the cruise ship industry's waste management and disposal practices. Voluntary sampling of large ships found that most marine sanitation devices did not function well. Effluent fecal coliform levels were as high as 16 million in blackwater and 32 million in graywater, much higher than the US Coast Guard requirement of 200 fecal coliforms per 100 ml. (*Assessment of Cruise Ship and Ferry Wastewater Impacts in Alaska*, Alaska Department of Environmental Conservation, February 2004).

In 2000 the US Congress enacted Title XIV – Certain Alaskan Cruise Ship Operations, which is enforced by the US Coast Guard. The law created wastewater standards for vessels with 500 or more overnight passengers, and prohibited cruise ships from discharging raw sewage in areas that are more than three nautical miles from shore but still within the Inside Passage. (*Assessment of Cruise Ship and Ferry Wastewater Impacts in Alaska*, Alaska Department of Environmental Conservation, February 2004).

The State of Alaska passed cruise ship legislation in 2001 and established the Commercial Vessel Environmental Compliance program at the ADEC. The Alaska state law set standards identical to the federal standards, and applies to small vessels with over 50 passengers, as well as the large vessels covered by federal law. (*Assessment of Cruise Ship and Ferry Wastewater Impacts in Alaska*, Alaska Department of Environmental Conservation, February 2004).

Since the passage of these federal and state laws, most large cruise ships discharging in Alaska waters have installed advanced wastewater treatment systems. ADEC examined 2003 data and found that effluent from ships with advanced wastewater treatment systems do not pose a risk to aquatic organisms. Nor were the levels of tested pollutants found to pose a risk to human health. (*Assessment of Cruise Ship and Ferry Wastewater Impacts in Alaska*, Alaska Department of Environmental Conservation, February 2004).

Washington Representative Dickerson proposed House Bill 2549 (attached), to create enforceable cruise ship waste management standards, along with sampling and monitoring requirements. The House Fisheries, Ecology & Parks Committee held a public hearing on January 27, 2004, but the bill did not make it out of committee.

Attachments